

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

YOLANDA SALDIVAR #733126	§	
	§	
V.	§	W-16-CA-095-RP
	§	
WILLIAM STEPHENS,	§	
MELOYDE NELSON, WHITNEY	§	
FRANKS, and UTMB CONTRACTOR	§	

ORDER

Before the Court is Plaintiff's complaint in which she asserts she was assigned to the top bunk in her cell. According to Plaintiff, she reported to prison officials that she felt she would have difficulty climbing up and down. On May 26, 2015, Plaintiff claims she fell, hitting her right side of her head, hip, and ankle. Plaintiff alleges she complained of headaches, imbalance, and nausea but was denied medical treatment because no providers were available. According to Plaintiff, she was seen by a physician 10 days after her injury. Plaintiff asserts she was diagnosed with a concussion after a CT scan was performed and she was given intravenous medications.

Plaintiff sues Director William Stephens, Warden Meloyde Nelson, Assistant Warden Whitney Franks, and the UTMB Contractor. She seeks \$250,000 for compensatory damages and \$250,000 for punitive damages. After consideration of Plaintiff's complaint, she will be ordered to file a more definite statement.

It is, therefore, **ORDERED** that Plaintiff shall file a more definite statement in which she answers the following questions **on or before May 26, 2016**. See Fed. R. Civ. P. 12(e); Parker v.

Carpenter, 978 F.2d 190, 191 (5th Cir. 1992); Spears v. McCotter, 766 F.2d 179, 180-81 (5th Cir. 1985). A failure to do so will cause this Court to recommend that Plaintiff's complaint be dismissed for want of prosecution.

The questions the plaintiff is **ORDERED** to answer are as follows:

1. In your complaint, you have named Director William Stephens as a defendant. State exactly what it is that this defendant either personally did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant.

2. In your complaint, you have named Warden Meloyde Nelson as a defendant. State exactly what it is that this defendant either personally did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant.
3. In your complaint, you have named Assistant Warden Whitney Franks as a defendant. State exactly what it is that this defendant either personally did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant.

4. You have named the UTMB Contractor as a defendant. Are you attempting to sue UTMB or a specific employee of UTMB? Be specific.
5. Who did you inform that you felt unsafe using the top bunk?
6. Although you were not seen by a physician immediately after your injury, were you seen by other medical personnel for your injury?

7. Describe in detail all of the medical attention and treatment you received for your injury sustained on May 26, 2015. Provide the dates on which the treatment was given.
8. How were you harmed by not seeing a doctor until ten days after you sustained your injury on May 26, 2015?

9. I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Title 28 U.S.C. Section 1748. Signed this ____ day of _____, 2016.

Signature of Plaintiff

SIGNED on April 28, 2016.

A handwritten signature in blue ink, appearing to read "R. Pitman", with a long horizontal flourish extending to the right.

ROBERT L. PITMAN
UNITED STATES DISTRICT JUDGE